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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/771,382  | 02/05/2004  | Huei-Yi Hsu          | MR1917-138          | 3329             |
| 4586  | 7590        | 10/01/2004           | EXAMINER            |                  |
| ROSENBERG, KLEIN & LEE<br>3458 ELLICOTT CENTER DRIVE-SUITE 101<br>ELLICOTT CITY, MD 21043 |             |                      | MAYO III, WILLIAM H |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2831                |                  |

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|------------------------------|------------------------|---------------------|
|                              | 10/771,382             | HSU, HUEI-YI        |
| Examiner                     | Art Unit               |                     |
| William H. Mayo III          | 2831                   |                     |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on \_\_\_\_.

2a)  This action is **FINAL**.                  2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4)  Claim(s) 1-4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## **Application Papers**

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitation "the slot" in line 4, which is confusing and renders the claim indefinite. It is unclear whether the applicant is referring to the previous mentioned "plurality of slots" or introducing a new slot. If the applicant is referring to the previous mentioned term, then he/she should recite the term with consistency. If the applicant is referring to a new slot, then he/she should make the term more distinguishable.

4. Claim 3 recites the limitation "the bending portions" in line 1, which is confusing and renders the claim indefinite. It is unclear whether the applicant is referring to the previous mentioned "bending portion" or introducing a plurality of bending portions. If the applicant is referring to the previous mentioned term, then he/she should recite the term with consistency. If the applicant is referring to a new plurality of bending portions, then he/she should make the term more distinguishable.

5. Claim 4 recites the limitation "the bending portions" in line 1, which is confusing and renders the claim indefinite. It is unclear whether the applicant is referring to the

previous mentioned “bending portion” or introducing a plurality of bending portions. If the applicant is referring to the previous mentioned term, then he/she should recite the term with consistency. If the applicant is referring to a new plurality of bending portions, then he/she should make the term more distinguishable.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Own Admission of Prior Art (herein referred to as AOAPA) in view of Simmons et al (Pat Num 6,688,776, herein referred to as Simmons). AOAPA discloses a conventional fastening belt (Figs 8-9) for quickly wrapping electrical cables (see Background of Invention). Specifically, with respect to claim 1, AOAPA discloses a fastening belt (2) comprising an elongated belt (21) having a plurality of protrusions (211) extending from each of the two sides (left and right sides) of the belt (2), wherein a plurality of slots (212) are defined in the belt (2) and includes an operation section (center of slot). With respect to claim 2, AOAPA discloses that the slots (212) are transversely located between the two sides (left and right sides) of the belt (2, Fig 9).

However, AOAPA doesn't specifically disclose the operation section being offset from the slot wherein a bending portion is defined by the operation section and being

bent outward from the belt (claim 1), nor the bending portion being in the form of a rectangular plate (claim 2), nor the bending portion being in the form of a trapezoid plate (claim 3).

Simmons teaches a fastening belt (i.e. device 10, Figs 1-5) capable of distributing, routing, and managing a plurality of conductors (30) that is economically manufactured, allows for safe bending radius of the interior components (Col 1 & 2, lines 60-67 & 1-6, respectively) and comprises bending portions (16b) that allow for efficient placement of the conductors (30, Col 4, lines 17-21). Specifically, with respect to claim 1, Simmons teaches a device (10) comprising an elongated belt (12) comprising a plurality of slots (18) defined through the belt (12) and including an operation section (16) which is offset from the plurality of slots (18, Fig 1) and has a bending portion (16b, Fig 3) defined by the operation section (16) that may be bent outward to allow the conductors (30) to be removed during the course of reworking the conductors (30, Col 4, lines 58-67). With respect to claims 3-4, Simmons teaches that the operation section (16) that comprises the bending portion (16b) may comprise different lengths (Col 4, lines 17-18) and different shapes such as hook shape (Fig 2) and finger shape (Fig 3).

With respect to claim 1, it would have been obvious to one having ordinary skill in the art of cables at the time the invention was made to modify the elongated belt of AOAPA to comprise the operation section comprising the bending portion as taught by Simmons because Simmons teaches that such a configuration is capable of distributing, routing, and managing a plurality of conductors (30), is economically manufactured,

allows for safe bending radius of the interior components (Col 1 & 2, lines 60-67 & 1-6, respectively) and comprises bending portions (16b) that allow for efficient placement of the conductors (30, Col 4, lines 17-21) and it appears that AOAPA would perform equally well with or without the modification.

With respect to claims 2-3, it would have been obvious to one having ordinary skill in the art of cables at the time the invention was made to modify the elongated belt of AOAPA to comprise the bending portion having a rectangular or trapezoid shape as taught by Simmons because Simmons teaches that the bending sections having different lengths (Col 4, lines 17-18) and different shapes such as hook shape (Fig 2) and finger shape (Fig 3) allows for efficient placement of the conductors (30, Col 4, lines 17-21) and since it has been held that a change in form cannot sustain patentability where involved is only extended application of obvious attributes from a prior art. *In re Span-Deck Inc. vs. Fab-Con Inc.* (CA 8, 1982) 215 USPQ 835.

### ***Conclusion***

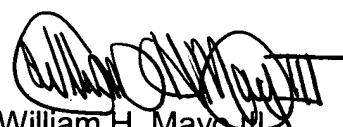
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They are Caveney et al (DE Pat Num 44 00 695), Cummings (WO Pat Num 93/18565), Davis (Pat Num 6,653,568), Caveney (Pat Num 2,896,009), Yeung et al (Pat Num 6,364,828), Fatato (Pat Num 6,774,312), Shak (Pat Num 6,429,378), Plummer (Pat Num 3,080,892), Penczynski et al (Pat Num 3,989,885), Croker (Pat Num 6,423,898), all of which disclose coverings for bundles of cables.

***Communication***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (571)-272-1978. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William H. Mayo III  
Primary Examiner  
Art Unit 2831

WHM III  
September 28, 2004